

JESSE M. LUERA  
Mayor  
MICHAEL MENDEZ  
Vice Mayor  
CHERI KELLEY  
Councilmember  
GORDON STEFENHAGEN  
Councilmember  
ELEANOR L. ZIMMERMAN  
Councilmember  
ERNIE V. GARCIA  
City Manager

EX PARTE OR LATE FILED



**City of**  
**NORWALK**

12700 NORWALK BLVD., P.O. BOX 1030, NORWALK, CA 90651-1030 • PHONE: 562/929-5700 • FACSIMILE: 562/929-5773

June 24, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M. Street, NW, Room 222  
Washington, DC 20554

Ex Parte Letter Re: Cases FL 91-171, FO 91-301

Dear Secretary Salas:

Enclosed are (2) two copies of an ex parte presentation in the above referenced proceeding.

Very truly yours,

Randy Shulman  
Management Assistant

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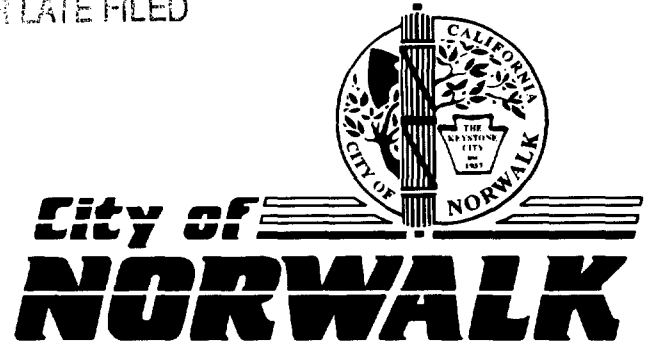
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June 23, 1998

Chairman William Kennard  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, DC 20554

**RE: Ex Parte Filing in cases FO-91-171/FO 91-301  
Opposition to Proposed Rulemaking Regarding Preemption of Local  
Emergency Alert Systems**

Dear Chairman Kennard:

The FCC has proposed preempting cable franchise provisions requiring emergency alert systems. City of Norwalk Cable Television Advisory Board is concerned that the proposed changes to Emergency Alert System (EAS) rules will adversely impact public safety and should be rejected. These changes would prevent people watching local TV stations on a cable system from receiving emergency announcements from their local public safety authorities.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should get emergency announcements from their local public safety authority. Otherwise the public safety is harmed. So please reject the proposed change, including any proposal to preempt franchise provisions on local emergency alerts.

Municipalities are charged with protecting the public safety. They have trained public safety authorities on duty 24 hours a day with an obligation and duty to notify the public of emergencies. Where they have felt it necessary (such as TV station announcements being inadequate or needing supplementing) municipalities require all channel local alert systems in their cable franchises. It is a violation of Federalism, common sense and your statutory duty to turn this vital public safety function over to a private party who has no obligation, training or authority on public safety matters.

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Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public safety authorities. This is a decision for each municipal safety authority to determine on a case by case basis, as reflected in their cable franchise. This decision cannot be turned over by a private party with no public safety obligation.

Alert systems deal with emergencies where public safety authorities have determined that the public needs to be informed immediately. The fact that emergency alerts from public safety authorities may occasionally overlap those of private parties (such as broadcasters) is a minor problem, if it is a problem at all. The NAB's proposed rule is unacceptable because it guarantees a substantial reduction in the number of people receiving emergency announcements from their local public safety authority.

Emergency information on TV stations can be helpful but typically apply mainly to weather. Local emergency alerts are also used for other types of emergencies, such as hazardous material spills, gas leaks, prison escapes, street and bridge closings and local snow emergencies. TV stations typically don't cover these. In part, this is because TV stations serve hundreds of communities. They don't cover local emergencies which affect only one community. Cable systems are often the best or only means for municipalities to alert their residents to local emergencies which reflect local conditions.

The Cable Act allows communities in renewals to require cable systems to meet community needs. Local emergency alert systems are a part of meeting such needs. Because they are protected by these provisions of the Cable Act you cannot preempt them. And any attempt at preemption would violate principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Very truly yours,

  
Larry Briggs, Chairman  
Norwalk Cable Television Advisory Board

cc: U.S. Representative Esteban E. Torres  
FCC Commissioners Furchtgott-Roth, Powell, Tristani, and Ness  
John Logan, Acting Chief, Cable Services Bureau  
Magalie Roman Salas, FCC  
Mayor Jesse M. Luera  
Ernie V. Garcia City Manager

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